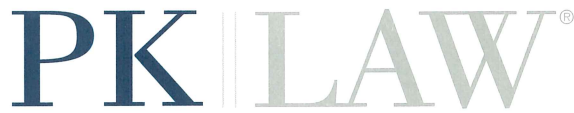


# **EXHIBIT 1**

THIRD NOTICE OF DEPOSITION BY WRITTEN  
QUESTIONS TO  
ERLANGER HEALTH SYSTEM



901 DULANEY VALLEY ROAD  
SUITE 500  
BALTIMORE, MD 21204

BALTIMORE | COLUMBIA | BEL AIR

TELEPHONE 410-938-8800  
FAX 410-832-5600  
PKLAW.COM

Gregory K. Kirby  
gkirby@pklaw.com  
(410) 769-6143

June 1, 2016

**Sent Electronically**

Cara E. Weiner, Esquire  
Spears, Moore, Rebman & Williams, PC  
801 Broad Street, 6<sup>th</sup> Floor  
Chattanooga, TN 37401

**Re: NECC MDL – Case No. 1:13-md-2419 (D. Mass.)**

Dear Counsel:

In follow-up from our previous letters dated October, 2015, February, 2016 and May, 2016 regarding the above litigation, please find attached the following materials for the Deposition by Written Question of your facility's designated 30(b)(6) witness:

1. Third Amended Notice of Deposition;

Please note that the following materials were previously provided and have not been provided at this time.

1. A copy of Rule 31 of the Federal Rules of Civil Procedure;
2. A copy of written deposition questions for direct examination submitted by the Box Hill Defendants;
3. A copy of written deposition questions for cross-examination submitted by the Plaintiff's Steering Committee

Your facility (Erlanger Health Systems) representative may bring these items with him/her to the deposition. Your deposition has been scheduled for **June 9, 2016 at 8:00 AM EST, to take place at the office address as listed above.** We will arrange to have a court reporter with experience conducting a deposition by written question present. **If this date/time is inconvenient, please contact us as soon as possible to reschedule.**

We anticipate that the format of the deposition will be as follows: At the date and time above, a court reporter will meet your facility's designated 30(b)(6) witness at the location above to conduct the deposition. At all times your facility has the right to have its attorney present for this deposition.

PESSIN KATZ LAW, P.A.

Erlanger Health System  
June 1, 2016  
Page 2

After the witness is sworn in by the court reporter, the court reporter will read aloud the questions submitted by the Box Hill Surgery Center Defendants for direct examination, to which the witness will answer orally. Then the court reporter will read aloud the questions submitted by the Plaintiff Steering Committee for cross-examination, to which the witness will answer orally. The facility representative will be required to answer only the written questions as appear. Once all questions have been read and responded to, the deposition will conclude.

Please contact attorney Gregory Kirby at Pessin Katz Law, P.A., with any questions or concerns. My contact information is as follows:

Gregory Kirby, Esquire  
Pessin Katz Law, P.A.  
901 Dulaney Valley Road, Suite 500  
Towson, Maryland 21204  
(410)938-8800  
[gkirby@pklaw.com](mailto:gkirby@pklaw.com)

Thank you for your assistance with this matter.

Sincerely,



Gregory K. Kirby

cc: Justin Browne w/enclosures via email  
Discovery Litigation w/enclosures  
All other counsel notified via ECF

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS  
LIABILITY LITIGATION

—

THIS DOCUMENT RELATES TO:

All Cases

MDL No. 2419  
Dkt. No 1:13-md-2419 (RWZ)

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**THIRD AMENDED NOTICE OF 30(B)(6) DEPOSITION BY WRITTEN QUESTIONS**

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Defendants Box Hill Surgery Center, LLC, Ritu T. Bhambani, MD, and Ritu T. Bhambani, MD, LLC (Hereinafter “Box Hill”), pursuant to Fed. R. Civ. P. 31 and 30(b)(6), come now and give notice that the deposition of Erlanger Health System, as an organization, will be taken by written questions.

Pursuant to Fed. R. Civ. P. 30(b)(6) and 31(a)(4), Erlanger Health System shall designate a witness to testify regarding the written questions included with this notice, and any cross questions, redirect questions, or recross questions submitted in accordance with Fed. R. Civ. P. 31(a)(5).

The deponent will testify before a court reporter from Discovery Litigation Services at **Spears, Moore, Rebman & Williams, PC, 801 Broad Street, 6<sup>th</sup> Floor, Chattanooga, TN 37401 on June 9, 2016 at 8:00 AM EST.** The deposition will be recorded by video and stenographical means.

Respectfully submitted,

/s/ Gregory K. Kirby

Gregory K. Kirby  
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901 Dulaney Valley Road  
Suite 400  
Towson, MD 21204  
(410) 938-8800  
gkirby@pklaw.com

*Attorneys for Box Hill Surgery Center, LLC, Ritu  
T. Bhambani, MD, and Ritu T. Bhambani, MD,  
LLC*

**CERTIFICATE OF SERVICE**

I, Gregory K. Kirby, hereby certify that:

1. A copy of the forgoing document, filed through the CM/ECF system will be accessible to those attorneys who are registered with the Court's electronic filing system, including the attorneys representing the Plaintiffs in suits against Box Hill
2. Notice of Electronic Filing (NEF) will be sent to those parties by operation of CM/ECF system
3. A copy of the document will be provided electronically to Cara E. Weiner, Esquire, Spears, Moore, Rebman & Williams, PC, 801 Broad Street, 6<sup>th</sup> Floor, Chattanooga, TN 37401

on June 1, 2016.

/s/ Gregory K. Kirby

Gregory K. Kirby